UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,289	07/08/2003	Toshikazu Ishizaki	007075.115828	7458

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EXAMINER
LOVING, JARICE

ART UNIT	PAPER NUMBER
2137	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/614,289	ISHIZAKI, TOSHIKAZU
	Examiner	Art Unit	
	Jaric Loving	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 November 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-7,9-19 and 21-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-7,9-19 and 21-37</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>08 July 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action is responsive to Applicant's amendment received on November

20, 2006. Claims 1-7, 9-19, and 21-37 are pending. Claims 8, 20, and 38 have been

cancelled.

2.   The objections to claims 5, 11, 17, and 23 have been withdrawn due to

Applicant's amendment.

3.   Applicant's arguments filed on November 20, 2006 have been fully considered,

but they are not persuasive.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-7, 9-19, and 21-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rodriguez et al., US 2002/0138341 and further in view of Teppler,

US 2006/0080536.

        In claims 1, 13, and 25, Rodriguez discloses an information processing

apparatus, method, and computer program product for processing a plurality of entry

information elements transmitted from at least one terminal, comprising:

        period setting means for setting an output operation period after specifying an

output start time and an output end time collectively defining said output operation

period, said period setting means is operative to set an input operation period after specifying an input start time and an input end time collectively defining said input operation period (paragraphs [0009], [0028], [0046] – times are set after request is made and information is entered on a ballot);

information receiving means for receiving said entry information elements transmitted from said terminal (Rodriguez, paragraphs [0009], [0046]);

information encrypting means for encrypting said entry information elements received from said information receiving means (paragraphs [0027]-[0028], [0047]);

information storing means for storing said encrypted entry information elements produced by said information encrypting means (paragraphs [0010], [0027]-[0029]); and

information decrypting means for decrypting said encrypted entry information elements stored in said information storing means during said output operation period (paragraphs [0030], [0050], [0058]).

Rodriguez fails to disclose said output start time occurs after said input end time; time keeping means for keeping time including said output start time specified by said period setting means and said output end time specified by said period setting means, said time keeping means is operative to keep time including said input start time specified by said period setting means and said input end time specified by said period setting means; said information receiving means is operative to receive said entry information elements transmitted from said terminal during said input operation period starting from said input start time kept by said time keeping means until said input end time kept by said time keeping means. Teppler discloses said output start time occurs

after said input end time (paragraphs [0033]-[0035], [0442]); time keeping means for

keeping time including said output start time specified by said period setting means and

said output end time specified by said period setting means, said time keeping means is

operative to keep time including said input start time specified by said period setting

means and said input end time specified by said period setting means (paragraphs

[0033]-[0035], [0442]); said information receiving means is operative to receive said

entry information elements transmitted from said terminal during said input operation

period starting from said input start time kept by said time keeping means until said

input end time kept by said time keeping means (paragraphs [0033]-[0035]).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine Rodriguez's electronic voting system with Teppler's method of

distributing time utilizing time keeping specified by a period to provide organization. It is

for this reason that one of ordinary skill in the art would have been motivated to provide

Rodriguez's electronic voting system with time keeping because it provides a means of

proving certainty such as dates and times associated with access, creation or

modification of files and assists in the determination of tampered data (Teppler,

paragraphs [0003]-[0004]).

In claims 2, 14, and 26, Rodriguez, as modified, discloses an information

processing apparatus, method, and computer program product as set forth in claims 1,

13, and 25, respectively, which further comprises:

time obtaining means for obtaining standard time information indicative of

standard time kept by a standard clock (Teppler, paragraph [0070]); and

time adjusting means for adjusting said time keeping means to have said time

keeping means synchronized to said standard time on the basis of said standard time

information obtained by said time obtaining means (Teppler, paragraph [0070]).

In claims 3, 15, and 27, Rodriguez, as modified, discloses an information

processing apparatus, method, and computer program product as set forth in claims 2,

14, and 26, respectively, in which said time obtaining means includes a standard time

receiver for receiving said standard time information transmitted from a standard time

transmitter at a predetermined frequency (Teppler, paragraphs [0070], [0151]-[0154]).

In claims 4, 16, and 28, Rodriguez, as modified, discloses an information

processing apparatus, method, and computer program product as set forth in claims 3,

15, and 27, respectively, in which said standard time receiver is of a waterproof and

heat resistant construction (Teppler, paragraph [0064] – tamperproof clock would

require it to be resistant to damage such as water and heat).

In claims 5, 17, and 29, Rodriguez, as modified, discloses an information

processing apparatus, method, and computer program product as set forth in claims 2,

14, and 26, respectively, which further comprises: error storing means for storing error

information indicative of an error of said time kept by said time keeping means with

respect to said standard time on the basis of said standard time information obtained by

said time obtaining means (Teppler, paragraphs [0033]-[0035], [0062], [0070], [0151]-

[0154] – time stamps store time that would indicate when errors are made since they

would be detected during decryption of information).

In claims 6, 18, and 30, Rodriguez, as modified, discloses an information processing apparatus, method, and computer program product as set forth in claims 2, 14, and 26, respectively, which further comprises:

position obtaining means for obtaining position information indicative of a position thereof, in which said time adjusting means is operative to adjust said time keeping means to have said time keeping means synchronized to said standard time on the basis of said position information obtained by said position obtaining means (Rodriguez, paragraphs [0059]-[0061]; Teppler, paragraph [0070]).

In claims 7, 19, and 31, Rodriguez, as modified, discloses an information processing apparatus, method, and computer program product as set forth in claims 2, 14, and 26, respectively, which

said time obtaining means is placed in a first time zone while said terminal is placed in a second time zone different from said first time zone (Rodriguez, paragraph [0025] – network computers may be in different time zones),

said period setting means, said information receiving means, and said information storing means have respective internal clocks (Teppler, paragraph [0070]),

said time adjusting means is operative to calculate alternative standard time in accordance with said standard time information obtained by said time obtaining means in consideration of a time difference between said first time zone where said time obtaining means is operative to obtain said standard time information indicative of standard time, and said second time zone where said terminal is placed, and adjust each of said internal clocks forming part of said period setting means, said information

receiving means, and said information storing means to have each of said period setting means, said information receiving means, and said information storing means synchronized to said alternative standard time thus calculated (Teppler, paragraphs [0070]-[0071] – radio clocks are adjustable).

In claim 32, Rodriguez, as modified, discloses an information processing computer program product as set forth in claim 25, in which

said first program product code has a twelfth program product code for setting an input operation period after specifying an input start time and an input end time collectively defining said input operation period, and said time keeping means is operative to keep time including said input start time specified by said period setting means and said input end time specified by said period setting means (Rodriguez, paragraphs [0009], [0028], [0046]), and

said third program product code has a program product code for receiving said entry information elements transmitted from said terminal during said input operation period starting from said input start time kept by said time keeping means until said input end time kept by said time keeping means (Rodriguez, paragraphs [0009], [0046]; Teppler, paragraphs [0033]-[0035]).

In claims 9, 21, and 33, Rodriguez, as modified, discloses an information processing apparatus, method, and computer program product as set forth in claims 1, 13, and 25, respectively, which further comprises:

instruction accepting means for accepting an output instruction from said terminal (Rodriguez, paragraphs [0026]-[0027]), and in which

said information decrypting means is operative to decrypt said encrypted entry

information elements stored in said information storing means in response to said

output instruction accepted by said instruction accepting means during said output

operation period starting from said output start time kept by said time keeping means

until said output end time kept by said time keeping means (Rodriguez, paragraphs

[0030], [0050], [0058]).

In claims 10, 22, and 34, Rodriguez, as modified, discloses an information

processing apparatus, method, and computer program product as set forth in claims 1,

13, and 25, respectively, in which

each of said entry information elements is indicative of voting information

elements (Rodriguez, paragraphs [0027]-[0028], [0046]-[0047]).

In claims 11, 23, and 35, Rodriguez, as modified, discloses an information

processing apparatus, method, and computer program product as set forth in claims 1,

13, and 25, respectively, in which

each of said entry information elements is indicative of bidding information

elements (Rodriguez, paragraphs [0046]-[0047]).

In claims 12, 24, and 36, Rodriguez discloses an information processing system,

method, and computer program product comprising a plurality of information processing

apparatuses for processing a plurality of entry information elements transmitted from at

least one terminal,

said information processing apparatuses each comprising:

period setting means for setting an output operation period after specifying an output start time and an output end time collectively defining said output operation period, said period setting means is operative to set an input operation period after specifying an input start time and an input end time collectively defining said input operation period (paragraphs [0009], [0028], [0046]);

information receiving means for receiving said entry information elements transmitted from said terminal (paragraphs [0009], [0046]);

information encrypting means for encrypting said entry information elements received from said information receiving means (paragraphs [0027]-[0028], [0047]);

information storing means for storing said encrypted entry information elements produced by said information encrypting means (paragraphs [0010], [0027]-[0029]); and

information decrypting means for decrypting said encrypted entry information elements stored in said information storing means during said output operation period (paragraphs [0030], [0050], [0058]).

Rodriguez fails to disclose said output start time occurs after said input end time; time keeping means for keeping time including said output start time specified by said period setting means and said output end time specified by said period setting means, said time keeping means is operative to keep time including said input start time specified by said period setting means and said input end time specified by said period setting means; time obtaining means for obtaining standard time information indicative of standard time kept by a standard clock; and time adjusting means for adjusting said time keeping means to have said time keeping means synchronized to said standard

time on the basis of said standard time information obtained by said time obtaining means; whereby said time obtaining means of each of said information processing apparatuses is operative to obtain said standard time information indicative of standard time kept by the standard clock to ensure that said time keeping means of each of said information processing apparatuses is synchronized to said standard time on the basis of said standard time information obtained by said time obtaining means. Teppler discloses said output start time occurs after said input end time (paragraphs [0033]-[0035], [0442]); time keeping means for keeping time including said output start time specified by said period setting means and said output end time specified by said period setting means, said time keeping means is operative to keep time including said input start time specified by said period setting means and said input end time specified by said period setting means (paragraphs [0033]-[0035], [0442]); time obtaining means for obtaining standard time information indicative of standard time kept by a standard clock (Teppler, paragraph [0070]); and time adjusting means for adjusting said time keeping means to have said time keeping means synchronized to said standard time on the basis of said standard time information obtained by said time obtaining means (Teppler, paragraph [0070]); whereby said time obtaining means of each of said information processing apparatuses is operative to obtain said standard time information indicative of standard time kept by the standard clock to ensure that said time keeping means of each of said information processing apparatuses is synchronized to said standard time on the basis of said standard time information obtained by said time obtaining means (Teppler, paragraph [0070]).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine Rodriguez's electronic voting system with Teppler's method of

distributing time utilizing time keeping specified by a period, time adjusting, and time

obtaining means in order to provide organization. It is for this reason that one of

ordinary skill in the art would have been motivated to provide Rodriguez's electronic

voting system with time keeping because it provides a means of proving certainty such

as dates and times associated with access, creation or modification of files and assists

in the determination of tampered data (Teppler, paragraphs [0003]-[0004]).

In claim 37, Rodriguez, as modified, discloses an information processing

apparatus as set forth in claim 1, in which said output operation period is kept secret

(Rodriguez, paragraphs [0013], [0025]-[0028]).

Response to Arguments

6.   Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount

to a general allegation that the claims define a patentable invention without specifically

pointing out how the language of the claims patentably distinguishes them from the

references.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jaric Loving whose telephone number is (571) 272-

1686. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER